

TO BE RESCINDED

5122-29-37

Detoxification program certification.

- (A) The purpose of this rule is to state the minimum requirements for a program to be certified by the Ohio department of alcohol and drug addiction services as a detoxification program.
- (B) The provisions of the rule are applicable to all programs that provided sub-acute detoxification and/or acute hospital detoxification services in Ohio subject to program certification in accordance with division (A) of section 3793.06 of the Revised Code, public and private, regardless of whether they receive any public funds that originate and/or pass through the Ohio department of alcohol and drug addiction services.
- (C) Deemed status shall be granted to waive sections of the administrative code if the sub-acute detoxification and/or acute hospital detoxification program has achieved national accreditation from joint commission on accreditation of healthcare organizations, american osteopathic association or commission on accreditation of rehabilitation facilities. Deemed provisions include paragraphs (E), (F), (H), (I), (J), (M), (N), (O), (P), (Q), (R), (S), (T), (U), (V), (W), (X), (Y), (Z) and (AA) of this rule.
- (D) A facility that operates an alcohol and drug addiction hospital detoxification program shall be registered as a hospital with the Ohio department of health in accordance with section 3701.07 of the Revised Code and be accredited by one or more of the following:
- (1) Joint committee on accreditation of healthcare organizations
 - (2) American osteopathic association
 - (3) Commission on accreditation of rehabilitation facilities
- (E) Each program requesting detoxification certification by the Ohio department of alcohol and drug addiction services shall have one or more beds designated for the purpose of alcohol and other drug detoxification.
- (F) Each hospital detoxification program certified by the Ohio department of alcohol and drug addiction services shall provide an "acute hospital detoxification" level of care. Acute hospital detoxification services are delivered based on treatment protocols for detoxification in a hospital setting and are delivered by medical and nursing professionals who provide twenty-four-hour medically-directed assessment and withdrawal management. Acute hospital detoxification services are indicated

for individuals whose intoxication/withdrawal signs and symptoms are sufficiently severe to require primary medical and nursing care service and medical management. Acute hospital detoxification services are to be delivered under a defined set of physician-approved policies and physician-managed procedures and medical protocols.

(G) An acute hospital detoxification program certified by the Ohio department of alcohol and drug addiction services may also provide one or more of the following:

(1) Twenty-three-hour observation bed

(2) Sub-acute detoxification

(H) Sub-acute detoxification refers to detoxification services provided with twenty-four-hour medical monitoring. Services are of brief duration and linkage to other formal and informal services shall be made. Sub-acute detoxification may be provided in a hospital setting as a step-down service from acute detoxification, or may be provided in a free-standing setting with medical monitoring. This service shall be supervised, under a defined set of policies and procedures, by a physician who is licensed by the state of Ohio medical board.

(I) Detoxification services shall be provided by individuals who have one or more of the following credentials and have documented experience and/or education in substance use disorder treatment:

(1) Physician who is licensed by the state of Ohio medical board.

(2) Registered nurse licensed by the Ohio board of nursing in accordance with Chapter 4723. of the Revised Code.

(3) Licensed practical nurse licensed by the Ohio board of nursing in accordance with Chapter 4723. of the Revised Code.

(J) Providers of detoxification services shall be supervised by individuals who have one or more of the following credentials and have documented experience and/or education in substance use disorder treatment:

(1) Physician who is licensed by the state of Ohio medical board.

(2) Nurse registered with the Ohio board of nursing.

- (K) If a detoxification program provides ambulatory detoxification, the program shall provide the outpatient, halfway house or residential level of care and shall also apply to the Ohio department of alcohol and drug addiction services for certification as an outpatient or residential program in accordance with rule 3793:2-2-01 of the Administrative Code.
- (L) If a detoxification program provides residential treatment, the program shall also apply to the Ohio department of alcohol and drug addiction services for certification as a residential program in accordance with rule 3793:2-5-01 of the Administrative Code.
- (M) Each detoxification program certified by the Ohio department of alcohol and drug addiction services is required to have an affiliation agreement with at least one alcohol and drug addiction services treatment program certified by the Ohio department of alcohol and drug addiction services for the purpose of referral to less intensive levels of care. Each program shall have written policies and procedures to ensure its referral process is appropriately implemented and managed and shall include, at a minimum, the following:
- (1) Referral decisions made to the appropriate level of care based on the Ohio department of alcohol and drug addiction services' protocols for levels of care (youth and adult) for publicly-funded clients. For non-publicly funded clients the referral decision made to the appropriate level of care shall be based on the Ohio department of alcohol and drug addiction services' protocols or other objective placement criteria. Documentation of referral shall appear in the client record.
 - (2) Discharge plan stipulating specific recommendations and referrals for alcohol and drug addiction treatment. The discharge plan shall be documented in the client record.
 - (3) Telephone contact with client and program to which client is referred to follow up on the referral. These contacts shall be documented in the client's record.
- (N) Each detoxification program certified by the Ohio department of alcohol and drug addiction services shall:
- (1) Participate in the reporting requirements of the department.
 - (2) Operate in accordance with 42 C.F.R. part 2, confidentiality of alcohol and drug abuse client records.

- (3) Have written policies and/or procedures for maintaining a uniform client records system that include, at a minimum, the following:
 - (a) Program staff shall not convey to a person outside of the program that a client attends or receives services from the program or disclose any information identifying a client as an alcohol or other drug services client unless the client consents in writing for the release of information, the disclosure is allowed by a court order, or the disclosure is made to a qualified personnel for a medical emergency, research, audit or program evaluation purposes.
 - (b) Federal laws and regulations do not protect any threat to commit a crime, any information about a crime committed by a client either at the program or against any person who works for the program.
 - (c) Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.
- (4) Access to client records:
 - (a) By clients.
 - (b) By staff.
 - (c) By individuals other than clients or staff.
- (5) Release of client information.
- (6) Components of client records and time lines, when applicable, for completing each component.
- (7) Storage of client records that requires client records be maintained in accordance with 42 C.F.R. part 2, confidentiality of alcohol and drug abuse client records.
- (8) Destruction of client records to include the requirement that records be maintained for at least seven years after clients have been discharged from the program. Client records shall be destroyed to maintain client confidentiality as required by state and federal law.

(O) Detoxification programs shall maintain documentation for services provided. All documentation completed by registered candidates and student interns shall be countersigned by an individual qualified to supervise detoxification services pursuant to this rule.

(P) Components of client records shall include, at a minimum, the following:

- (1) Identification of client (name and/or client identification number).
- (2) Assessment.
- (3) Consent for alcohol and other drug treatment services.
- (4) Client fee agreement, if applicable.
- (5) Documentation to reflect that the client was given a copy of the following:
 - (a) Program rules or expectations of clients.
 - (b) Client rights and grievance procedures.
 - (c) Written summary of the federal laws and regulations that indicate the confidentiality of client records are protected as required by 42 C.F.R. part B, paragraph 2.22.
- (6) Diagnosis.
- (7) Treatment plans.
- (8) Progress notes.
- (9) Disclosure of client information forms, when applicable.
- (10) Termination summary/discharge plan including referral information.

(Q) Disclosure of client information forms shall include the following information as required by 42 C.F.R., part 2:

- (1) Name of the program making the disclosure.

- (2) Name or title of the individual or the name of the organization to which the disclosure is to be made.
 - (3) Name of client.
 - (4) Purpose of the disclosure.
 - (5) Type and amount of information to be disclosed.
 - (6) Original signature of the client or person authorized to give consent.
 - (7) Date client or other authorized person signed the form.
 - (8) Statement that the consent is subject to revocation at any time except to the extent the program or person who is to make the disclosure has already acted in reliance on it.
 - (9) The date, event or condition upon which the consent will expire, unless revoked before that specified time.
- (R) Each disclosure made with the client's written consent must be consistent with 42 C.F.R., part 2, by including the following written statement: "This information has been disclosed to you from records protected by federal confidentiality rules. The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R., part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The federal rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse client."
- (S) A diagnosis shall be made by a clinician who can independently diagnose substance-related disorders as authorized by the Ohio Revised Code, and shall be recorded in each client's record upon completion of assessment. Supporting documentation in the client record shall include:
- (1) Identification of the client.
 - (2) Diagnosis and DSM code number.
 - (3) Signs and symptoms justifying the diagnosis.

- (4) Date the diagnosis was made.
 - (5) Original signature and credentials of the clinician making the diagnosis.
- (T) An individualized treatment plan shall be written for each client within twenty-four hours of completion of the assessment. Individualized treatment plans shall be based on assessment and include, at a minimum, the following:
- (1) Client identification (name and/or identification number).
 - (2) Level of care to which client is admitted.
 - (3) Problem(s) to be addressed.
 - (4) Measurable goals that address client's needs.
 - (5) Measurable treatment objectives with time frame for achievement of each objective.
 - (6) Frequency, duration and types of treatment services.
 - (7) Original signature of the client.
 - (8) Date, original signature and credentials of the person who completed the plan and is qualified to provide alcohol and drug addiction services.
- (U) Detoxification programs shall have written policies and procedures that specify criteria and time frames for reviewing and updating an individualized treatment plan, which take into account the client's changing clinical needs and response to treatment.
- (V) Progress notes shall be written to reflect the implementation and evaluation of treatment plans for clients admitted to detoxification programs. Progress notes are required to include sufficient content to justify the client's continuing need for services. Each service delivered to the client shall be documented in the client's record with a progress note.
- (1) Progress notes shall indicate progress the client is making towards achieving the goals and objectives that are identified in the individualized treatment plan.

- (2) Progress notes shall indicate the outcomes of treatment interventions which are stated in the client's individualized treatment plan.

(W) Progress notes shall include, at a minimum, the following:

- (1) Client identification (name and/or identification number).
 - (2) Date of service contact or service delivery.
 - (3) Length of time of service contact or service delivery (calculated by the number of hours, minutes and/or start and ending time of service delivery).
 - (4) Type of service (for example, case management, individual counseling, group counseling, etc.).
 - (5) Summary of what occurred during the service contact or service delivery.
 - (6) Date, original signature and credentials (registration, certification and/or license) of the staff member providing the service.
- (X) The following modalities and/or activities shall be documented in each client's record: occupational therapy, recreation therapy, activity therapies, parenting skills training, alcoholism and drug addiction client education, expressive therapies (art, drama, poetry, music, movement) and nutrition counseling. A progress note is not required for each of these modalities and/or activities delivered to a client; however, documentation verifying the client's participation is necessary.
- (Y) A termination summary shall be prepared within thirty calendar days after treatment has been terminated. Termination summaries/discharge summaries shall include, at a minimum, the following:

- (1) Client identification (name and/or identification number).
- (2) Date of admission.
- (3) Date of discharge.
- (4) Diagnosis.

- (5) The degree of severity at admission and at discharge for the following dimensions shall be based on the ODADAS protocols for levels of care (youth and adult) for publicly-funded clients. For non-publicly-funded clients, the degree of severity at admission and discharge shall be based on the Ohio department of alcohol and drug addiction services' protocols for levels of care or other objective placement criteria:
- (a) Intoxication and withdrawal.
 - (b) Biomedical conditions and complications.
 - (c) Emotional/behavioral/cognitive conditions and complications.
 - (d) Treatment acceptance/resistance.
 - (e) Relapse potential.
 - (f) Recovery environment.
 - (g) Family or care giver functioning (for youth).
- (6) Level of care and service(s) provided during course of treatment.
- (7) Client's response to treatment.
- (8) Recommendations and/or referrals for additional alcohol and drug addiction treatment or other services.
- (9) Date, original signature and credentials of a person qualified to provide counseling services.
- (Z) If a detoxification program maintains electronic client records, the program must be able to produce hard copies of client records upon legally valid requests and have a written policy and procedure indicating how client original signatures and staff original signatures are obtained and verified for documentation.
- (AA) If a detoxification program discontinues operations or is taken over or acquired by another entity, it shall comply with 42 C.F.R., part 2, subsection 2.19 which governs the disposition of records by discontinued programs.

- (BB) Each detoxification program shall comply with all applicable federal, state and local laws and regulations in addition to the requirements of agency-level 3793 of the Administrative Code.
- (CC) Detoxification programs certified by the Ohio department of alcohol and drug addiction services at the time of the effective date of this rule shall remain certified until the expiration of their current certification, unless the certification were to be revoked or terminated by the Ohio department of alcohol and drug addiction services. If a program desires to continue to operate a detoxification program, the program shall apply to the Ohio department of alcohol and drug addiction services for detoxification program certification in accordance with this rule.

Effective:

Five Year Review (FYR) Dates: 04/14/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5119.36
Rule Amplifies: 5119.36
Prior Effective Dates: 7/10/92, 7/1/01, 11/17/05, 7/1/06, 2/14/11